

## REMARKS

The documents referred to herein are numbered consonant with the Written Opinion, *i.e.*, the documents are numbered in their order of appearance in the International Search Report.

### Novelty

As amended, claim 1 is drawn to a method for controlling a leafhopper population with an insect growth regulator (IGR) comprising: contacting the leafhopper population with the IGR; and affecting the reproductive system of a female leafhopper while in diapause.

D1-D6 do not teach treating a leafhopper population with an insect growth regulator (IGR) during diapause. Diapause is a period during which growth or development of the insect is suspended and physiological activity is diminished, as a leafhopper for example, responds to adverse environmental conditions. As such, new claims 1 and 18 are novel.

The novelty of previous claims 4 and 5, which are similar to new claims 2 and 21, has already been acknowledged.

The applicant respectfully submits that new independent claims 1, 2 and 18 are novel, and as such, the claims depending therefrom are novel as well.

### Inventive Step

In the Written Opinion, the Examiner states that old claims 4-8 and 10 lack an inventive step in view of D1 (Nakano, O. *et al.*, *Revista de Agricultura*, 2002, 77(3):347-356, abstract). With respect to new claims 1 and 18, D1 does not teach or suggest the application of a pesticide during diapause. Unexpectedly, the applicant has discovered that insect growth regulators such as juvenile hormone analogs, have better efficacy against leafhoppers during diapause.

With respect to new claim 2, the Examiner can appreciate that different species respond differently to the same juvenile hormone analog. Submitted herewith for the Examiner's consideration is a full-text copy of D1 (in Portuguese) and an English translation. D1 does not teach or suggest the control of *Homolodisca coagulata* as is recited in claim 2. In fact, D1 discloses high species variability using the same agent (See, Tables 6-7). Given this high variability to the same agent by different species, there would be no motivation to use such pesticidal agent on other species.

Moreover, it appears that possibly different modes of action are present even though the pesticidal agents are within the same class of chemicals. At the very least, some pesticides are

much more effective. For example, the instant invention demonstrates the active agent (*e.g.*, methoprene) completely disrupts fertility in the glassy-winged sharpshooter (*Homolodisca coagulata*). For example, on pages 28-29 of the subject specification, wherein Tables 2 and 3 are set forth, the examples demonstrate that no ova were produced (the entry "1" in the last column in Tables 2 and 3 means no ova were produced).

In view of the foregoing, the applicant believes all claims now pending in this application are patentable. Issuance of a favorable International Preliminary Patentability Report is respectfully requested.

Respectfully submitted,



Glenn P. Ladwig

Patent Attorney

Registration No. 46,853

Phone No.: (352) 375-8100

Facsimile No.: (352) 372-5800

Address : Saliwanchik, Lloyd & Saliwanchik  
P.O. Box 142950  
Gainesville, FL 32614-2950

GPL/mv

Attachments: Replacement pages 32-35 (claims 1-21; abstract)

Full-text copy of D1 (Nakano, O. *et al.*; Portuguese)

Full-text copy of D1 (Nakano, O. *et al.*; English Translation)

Form PCT/IPEA/401